Wills—Signature Thereto—Section 2514, Va. Code 1904.—Where a will, the body of which is written on horizontal lines on several pages of foolscap paper, so that all its items and provisions are in consecutive order to the end of the last page, under which the testator's signature appears, but there is also written in the margin of the last page to the left of, and separated from, the body of the instrument, a dispositive clause extending lengthwise of the page from near the bottom to near the top, and in no manner connected with the body of the instrument by any words or marks to indicate where the marginal matter is to be read in relation to the other provisions, and it is established by testimony that the marginal matter was written after all the other provisions, at the request of the testator, and before he attached his signature under the body of the will,—it is held, in Irwin *v.* Jacques (Ohio), 69 L. R. A. 422, that the will is not signed at its end, as required by statute, and is invalid for that reason.

Sec. 2514, Va. Code 1904, requires that the will must be signed by the testator "in such manner as to make it manifest that the name is intended as a signature;" and in Dinning *v.* Dinning, 102 Va. 467, 46 S. E. 473, where a will ended thus: "I, W. D., say this is my last will and testament," it was held to be a sufficient signature; and it has also been held that the statute does not require the signature to be at the foot, but it is an equivocal circumstance if placed anywhere else. Ramsey *v.* Ramsey's Ex'r, 13 Gratt. 66.

Constitutional Law—Due Process of Law—Right of One in Jail Accused of Homicide to Be Privately Examined by Physician.—In the recent case of Commonwealth *v.* Estelle Smith, in the Corporation Court of the city of Manchester, counsel for the defendant desired a physician to make an examination of the condition of the defendant with a view to preparing her defense in the approaching trial. The jailer, acting under the instructions of the Judge of the Corporation Court of Manchester, refused to allow the said physician to see the defendant, except in the presence of the jail physician At the trial of the case, the defendant's counsel, after a correspondence with the aforesaid judge in which the refusal was confirmed, moved for the continuance of the trial, on the ground that the refusal of the court had prevented the counsel from properly preparing their defense. The court overruled the motion; to which the defendant excepted, and the trial resulted in the conviction of the defendant.

In the petition for the writ of error in the Supreme Court, the only ground assigned therefor was the refusal of the trial court to allow the defendant's physician to examine her out of the presence of the jail physician. It was strongly contended that this was a denial of due process of law guaranteed by our constitution, (§ 8), and it was

also contended that Sec. 928, Va. Code 1904, did not sustain the refusal of the trial court, but was in aid of the constitutional provision already referred to, that a man has right to call for evidence in his behalf, and that as the defendant would have had the right to have been examined by any number of physicians privately, if she had been out on bail, that same right belongs to her when she was an inmate of the jail. The Supreme Court however, refused the writ of error, thereby settling the question in the negative. C. B. G.

Corporations—Foreign Corporations—Service of Process upon—Sec. 1104,V a. Code 1904.—New Jersey has a statute similar to Sec. 1104, Va. Code 1904, which requires foreign corporations wishing to do business in the state to designate an agent to receive service of process in an action against the company. In Groel *v.* The United Electric Co. (N. J., Ch.), 60 Atl. 822, it was held that service on the agent after the company had ceased to do business in the state gave the court jurisdiction over the corporation. In commenting upon this subject, the Harvard Law Review, vol. XIX., p. 52 says: "It seems clear that the termination of business dealings in the state need not ipso facto terminate the statutory agent's authority to receive service. In the absence of express provisions, however, such authority should not easily be implied. The company has submitted to the jurisdiction of the courts in return for the privilege of doing business in the state; when it voluntarily withdraws, the presumption would be that it has withdrawn for all purposes. A common class of statutes, however, provides for the designation of special agents—frequently state officers—other than the officers or business agents of the company, to receive service; and under these statutes some courts have held that jurisdiction over the company remains in respect of all liabilities incurred by the company while in the state. (Sustaining the jurisdiction, Collier *v.* Mutual Reserve Fund Life Ass'n, 119 Fed. Rep. 617; Davis *v.* Kansas and Texas Coal Co., 129 Fed. Rep. 149. Contra, Swann *v.* Mutual Reserve Fund Life Ass'n, 100 Fed. Rep. 922; Freedman *v.* Empire Life Insurance Co., 101 Fed. Rep. 535. See also, Mutual Reserve Fund Life Ass'n *v.* Phelps, 190 U. S. 147.) This was a result reached in a recent case decided in the New Jersey court of chancery. Groel *v.* United Electric Co. of New Jersey, 60 Atl. Rep. 822. Under substantially identical statutes the decisions are about equally divided. The view of the statute taken by the New Jersey court, however, appears reasonable, since, if jurisdiction were intended to continue only while the company remained in the state, provision for service on any persons other than the regular business agents of the company would scarcely be necessary.